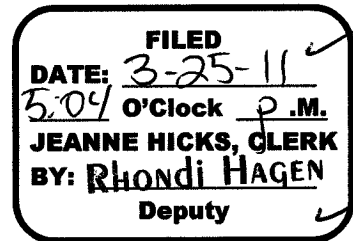


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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION PRO TEM B

HON. WARREN R. DARROW

CASE NO. V1300CR201080049

TITLE:

STATE OF ARIZONA,

(Plaintiff)

v.

JAMES ARTHUR RAY,

(Defendant)

JEANNE HICKS, CLERK

BY: R. Hagen, Deputy Clerk

DATE: March 25, 2011

COUNSEL:

Yavapai County Attorney
Sheila Polk/Bill Hughes,
(Via OnBase)
(For Plaintiff)

Thomas K. Kelly,
(Via electronic mail)
(Co-Counsel for Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP,
(Via electronic mail)
(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:
TRIAL – Day 22

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:17 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Co-Counsel for Defendant
Luis Li, Co-Counsel for Defendant
Truc Do, Co-Counsel for Defendant
Miriam Seifter, Co-Counsel for Defendant
Victim Services Representative

The Jury is present.

Scott Barratt, previously sworn, resumes the witness stand and testifies further.

Exhibits 162 and 163 are admitted into evidence pursuant to stipulation of Counsel.

The Court and Counsel conduct a sidebar discussion on the record. During the sidebar, the Court excuses the Jury and the witness for a recess. The Jury and the witness are reminded of the respective admonitions and leave the courtroom.

The Court and Counsel continue the discussion that originally commenced at sidebar regarding question(s) Counsel for State intends to ask the current witness. In addition, Counsel discuss concerns regarding the next witness.

With regard to State's intended question(s), the Court does not find anything improper in the open question. The Court advises Counsel for State Polk that the witness can be asked on redirect if he was properly warned but not bring up other sweat lodge events.

In regards to the next witness, the Court directs there are two options: a recorded interview of the witness can be conducted by the Parties prior to the witness testifying or, if the witness proceeds to testify as scheduled, there can be full examination regarding the issue. It is anticipated that the Parties will conduct a recorded interview of the subject witness and Counsel for State will call a different witness to testify in the interim.

The Court and Counsel discuss the admissibility of evidence concerning a civil lawsuit. The Court discusses possible application of Rule 613 if factual averments are offered. If Counsel intend to use something as an exhibit it would need to be disclosed pursuant to the Rule 15.

~~~Recess~~~

At 11:02 a.m. the trial resumes with all previously appearing parties and the Jury present.

Scott Barratt resumes the witness stand and testifies further.

The Court and Counsel conduct a sidebar discussion on the record.

The witness is asked and answers appropriate questions submitted by the Jury. The witness is reminded of the Rule of exclusion of witnesses and excused, subject to recall.

The Jury is reminded of the admonition and excused for the noon recess.

~~~Noon Recess~~~

At 1:09 p.m. trial resumes with all previously appearing parties and the Jury present.

Linda Andresano is sworn and testifies.

Miriam Seifter, Co-Counsel for Defendant, appears at 1:42 p.m. and joins the trial already in progress.

Exhibits 151 and 152 are admitted into evidence pursuant to stipulation of Counsel.

The Jury is reminded of the admonition and excused for a recess. The witness is reminded of the Rule of exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 2:50 p.m. the trial resumes with all previously appearing parties and the Jury present.

Linda Andresano resumes the witness stand and testifies further.

The Court and Counsel conduct a sidebar discussion on the record.

Exhibits 149 and 150 are admitted into evidence pursuant to stipulation of Counsel.

The Jury and the witness are excused for a recess.

~~~Recess~~~

At 4:07 p.m. the trial resumes with all previously appearing parties and the Jury present.

Linda Andresano resumes the witness stand and testifies further.

The Court and Counsel conduct a sidebar discussion on the record.

The witness is asked and answers appropriate questions submitted by the Jury. The witness is reminded of the Rule of exclusion of witnesses and excused, subject to recall.

The Jury is admonished, excused for the weekend and instructed to return at 9:15 a.m. next Tuesday, and leaves the courtroom.

The Court advises Counsel how questions are handled.

The Court and Counsel conduct a sidebar discussion on the record.

The Court stands adjourned for the day.

END TIME: 5:04 p.m.

THEREAFTER, off the record, the Court informs the Clerk that during the final sidebar discussion, the Court **ORDERED** that the record of the last bench conference be **SEALED**. Further, the Court **ORDERED** that the document discussed at sidebar be **SEALED**. The Court directs the Clerk to seal the document after denoting "Exhibit A" and today's date on the document. ✓

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)
Stone & Magnanini, Co-Counsel Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)
Division PTB (e)
Victim Services (e)
Court Administration
Customer Service Supervisor, Verde
Mina Hunt, Division PT-B Court Reporter